

GOVERNOR'S COUNCIL ON DISABILITIES AND SPECIAL
EDUCATION

Developmental Disabilities Committee Meeting

LOCATION

Governor's Council Conference Room
3601 C Street
Anchorage, Alaska
Teleconference

Meeting Date

December 10, 2012
10:00 a.m.

Attendees:

Kathy Fitzgerald, Chair
Ric Nelson, Chair
Kaleene Lamb
Steve Lesko
Sean O'Brien
Diana Strzok
Sharon Miranda
Maureen Harwood
James Wiedle

Staff:

Teresa Holt
Carrie Predeger
Barbara Dick

Prepared by:

Paula DiPaolo, Peninsula Reporting

Call to Order – 10:00 a.m.
Roll Call

READING OF THE COUNCIL MISSION

James Wiedle read the Council's mission statement: Creating change that improves the lives of people with disabilities.

INTRODUCTIONS, ANNOUNCEMENTS OR GOOD NEWS

James Wiedle announced that AHFC is having its open house on December 11 from 11:30 to 1:00. He stated that AHFC will also be having a public hearing on their consolidated housing and community development plan on the last day in January from 4:00 to 6:00 p.m.

Teresa Holt announced that Christie Reinhardt has been hired by the Council to staff the Education and Early Intervention Committees, and her first day is January 9, 2013.

APPROVAL OF THE AGENDA

Ric Nelson **MOVED** to approve the agenda. The motion **PASSED** and the agenda was approved.

APPROVAL OF THE PREVIOUS MEETING MINUTES

Steve Lesko noted a change on the previous meeting minutes on page 3. He stated that information about the Supports Intensity Scale is located on the AAIDD website, not the AADD website.

Steve Lesko **MOVED** to approve the November 5, 2012 meeting minutes as amended. The motion **PASSED**.

CORRESPONDENCE

U.N. Convention for the Rights of People with Disabilities

Teresa Holt explained that the Council has received correspondence in the form of posts to the Council's Facebook page in opposition to the Council's

support of the U.N. Convention for the Rights of People with Disabilities, which is to make sure that everyone with disabilities has the same rights as other people in their nation. America is one of the last nations to ratify this Convention. This issue came up for a vote in the Senate, and had already passed the House. Unfortunately the Senate vote failed by five votes.

Teresa stated that the majority of those concerned about the passage of the Convention were from a parent's group who were misinformed that children's rights would override parent's rights should this pass. There are also 300 other disability organizations throughout the nation that are in support of this U.N. Convention. The Council posted on the Facebook page urging people to call their senators and thank them for voting for the passage of the resolution. Teresa stated the Governor's office and the Commissioner's office have contacted the Council for the Council to defend their position in support of that resolution.

Health Care Commission

Carrie Predeger stated that the Council submitted a report to the Health Care Commission.

OLD BUSINESS

Acuity Rate

Kathy Fitzgerald stated that she and Ric Nelson attended a meeting held by the State regarding proposed changes to the acuity rate. Ric Nelson added that they want to change the formula of how they do the rates to a tier structure depending on how much care a person needs and what kind of disability they fall under.

Kathy Fitzgerald stated that they are proposing to take the current rate and reduce the rate for people who are not very difficult to serve and have a graduated scale for people who are a little more difficult to serve.

Steve Lesko explained that with these rates, there would be an average rate, and then there should be a range that is reasonable to include people above and below the midpoint. However, statistically there will be people that will fall so far out of the range as to skew the numbers. He explained

that that is what acuity is. He stated that they need to examine how those tiers will be structured, and he felt that the rate will need to be examined annually as people's circumstances change. Steve applauded the State's willingness to follow up on acuity.

Kathy Fitzgerald explained that another one of their concerns was their plan to use the ICAP and PCAT scores to determine acuity levels. She felt that the Council will need to be involved in determining what the indicators are of whether or not someone needs more services. She stated that it will be a challenge to the Department to be able to be as flexible as they need to be using the tools they are suggesting.

Kathy further explained that Myers & Stauffer stated that acuity is not a warm body, but that it has to do with the difficulty of serving an individual. She commented that the Council has also been very concerned about agencies' willingness to serve people with challenging behaviors, and this acuity rate may be a help to that.

Steve Lesko suggested researching what other states have done as far as acuity to determine what works well and what doesn't. Kathy Fitzgerald suggested looking at information through the National Association for Dually Diagnosed.

IAT Nursing

Kathy Fitzgerald stated that the rate of reimbursement for IAT nursing for children on CCMC waivers has been an issue for the Council for the last two years. She stated that in order for children on CCMC waivers to remain at home and out of hospitals and nursing homes, it requires ongoing nursing oversight and training to ensure that families and staff are able to support the children. She stated that Medicaid rates are really limiting how that service can be billed, and it seems to be only billable for hands-on nursing services, when IAT nursing is much more than that. She stated that the CCMC waiver could be in jeopardy if that IAT nursing can't be provided.

Steve Lesko stated that four provider agencies met with the Office of Rate Review a year ago and presented their concerns about IAT nursing in two respects, the local rate and the non-local rate. He stated that the local rate

seems to be the focus of concern right now. He stated that for the local IAT, there must be billable moments for each nurse of at least 90 percent of their time, which he believes is impossible. He also noted that the definition of the local rate is 200 miles one way, and they are not reimbursed for travel time. He stated that he knows of one agency that has said they are going to keep the people that they currently have, but they will accept no new program people. He stated that from his agency's prospective, they may be looking at a loss of \$100,000 for the quarter. He stated that they are looking at huge losses with a system he doesn't believe will work, and the nursing oversight required for kids with complex medical conditions may cease to exist.

Steve Lesko further explained that the agencies developed a template of local costs. They are going to give that template to the Office of Rate Review by the December 14th. Office of Rate Review will then analyze the new data and report back to them around the first of the year.

Kathy Fitzgerald asked the committee members if they should write a letter to the commissioner apprising him of the situation. Committee members agreed. Steve Lesko suggested Council staff can coordinate with Michael Bailey to gather data.

Ric Nelson **MOVED** that the DD Committee compose a letter to the commissioner regarding the issues around IAT nursing. Steve Lesko and Maureen Harwood abstained from the voting. The motion **PASSED**.

NEW BUSINESS

Med Sets

Kathy Fitzgerald explained that there has been some controversy about the Division of Medicaid potentially not paying for med set packs. She stated that med sets are very important options to ensure people are receiving the right amounts of medication at the right time of the day. They are put together at the pharmacy, and the pharmacy will even split pills to ensure people are receiving the correct dosage. She stated that she believes the Council should recommend that Medicaid continue to pay for the med sets because it outweighs the cost of having just one person end up in the hospital because their medications were incorrectly given.

Kathy Fitzgerald suggested sending a letter to the commissioner stating that the Council supports the continuation of med set packs as an important component of health and safety for the many people dealing with medications every day.

Ric Nelson **MOVED** to write a letter in support of med sets.

Discussion ensued.

Maureen Harwood asked that Council staff research whether or not it is a policy or regulation change. She suggested contacting Health Care Services, Kim Poppe-Smart and Jeri Powers or Lynne Keilman-Cruz. Steve Lesko suggested contacting Geneva Woods.

The motion **PASSED**.

REPORTS

Report from the Chair/Executive Committee

Kathy Fitzgerald stated that the Council is in the process of hiring a new executive director. The Executive Committee has discussed including the Council's sister agencies, Disability Law Center and the UCEDD, to provide input in the hiring process.

Kathy Fitzgerald stated that the full Council meeting is set for the last week in January, and all Council members should contact Michelle Jenkins and Sheryl Cobb to make their travel arrangements.

Division of Senior and Disability Services

Maureen Harwood reviewed her written report with committee members. She highlighted the following:

- Maureen Harwood continues in her capacity as acting HPMII.
- Nine current outstanding ICAPS for either the IDD waiver or TEFRA.
- Regulation drafting activities – The regulations continue through the review processes.
- SDS and Behavioral Health continue to be committed to working on addressing the needs of people who are eligible for DD services and

request services in an out-of-state RPTC or ICF/ID. Of 102 youth in out-of-state placements, 25% have SDS involvement. Of 45 youth identified as special needs, 22% have access to a waiver.

- The last monthly draw was completed last week, and will be the last for the calendar year. At that time, 19 individuals were offered the opportunity to be considered for I/DD waiver supports.

Maureen Harwood went on to explain that they are trying a system of monthly draws that addresses the needs of families, providers and SDS because doing the quarterly draw of 50 meant 50 new families for an agency. So they are now spreading out the draws to monthly. She stated that the total number of draws this last year were 281 people. Maureen added that they will continue to figure out of those 281 people, how many have actively contacted agencies and have actively accepted a waiver. She stated that this year they had 22 waiver denials of people that didn't meet level of care, but of that they only had 15 requests for a fair hearing. She stated that the goal of SDS is to have 200 new people come into service in a year, so that's why the number of people drawn was higher. She also stated that the waitlist report will be coming out next month.

Maureen Harwood stated that they received 680 surveys between 1/1/2012 and 9/29/2012. She also reviewed the statistics found in her report regarding the IDD Registry Report.

Maureen stated that the average cost of the IDD waiver for 2012 is \$78,922, which is up from 2011. She also remarked that during that time frame there have been two rate adjustments. She concluded her report by stating that there are currently 1,847 individuals on the IDD waiver.

AADD

A representative from AADD was not present to give a report.

Key Coalition

Steve Lesko stated that Key 26 has five priorities as follows:

- To get the process of rate review into statute.
- Infant Learning Program increment, advocating for an additional \$1.5

million more than the Governor may propose in the budget.

- Annualization of the Complex Behavior Collaborative.
- Supporting the Employment First Initiative.
- Waitlist initiative.

Ric Nelson stated that the theme for Key Campaign this year is “Charging Forward”.

Peer Power

Barbara Dick stated that the next Peer Power meeting is on December 11. They have set up a bylaws committee, and they are working on their non-profit status. She stated that they invited 49 people to the first meeting, and they had approximately 10 people attend. They hope to gain one additional member per meeting.

Kathy Fitzgerald suggested recruiting at agencies such as Hope and The Arc and other places that may have people already part of an advocacy group.

Teresa Holt stated that they met with Katie Baldwin-Johnson about doing some technical assistance and board training with Peer Power. They are also hoping to have 501(c)(3) training from Mary Elizabeth Rider.

Date and Time of Next Meeting

Kathy Fitzgerald stated the full Council meeting will be January 22 – 24, so the next DD Committee meeting will be held on February 4, 2013 at 10:00 a.m.

ADJOURN

Ric Nelson **MOVED** to adjourn the meeting. The motion **PASSED** and the meeting adjourned at 11:30 a.m.